

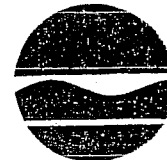
Exhibit “KK” to Amended Verified Petition

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1696

Phone: (914) 256-3032 FAX: (914) 255-3042



John P. Cahill
Commissioner

November 19, 1998

LEON MEHL
MEHLON TRUCKING INC
PO BOX 519
WALLKILL NY 12589

RE: Mined Land Reclamation
DEC Application No.: 3-3342-00022/00005
Town of Montgomery, Orange County
Kings Hill Road Shale Mine

NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Mehl:

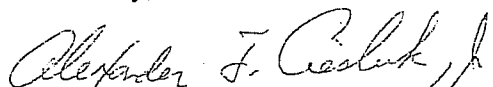
The NYS Department of Environmental Conservation (DEC) has reviewed the application referenced above. The application has been determined to be incomplete. The following items are required.

1. Compliance with State Environmental Quality Review Act: Your application appears to be essentially the same as one the Department received for this property in 1988. That application (DEC No. 3-3342-00022/00002) remains incomplete pending a Determination of Significance under SEQR by the Town of Montgomery Planning Board as Lead Agency. Given this history, we believe the Town of Montgomery Planning Board remains the SEQR Lead Agency for review of any mining activities you may wish to undertake at this property. However, if you can demonstrate that the Town of Montgomery Planning Board no longer has jurisdiction over your project, or if the Town Planning Board no longer desires to serve as Lead Agency, DEC is willing to assume the SEQR responsibility of Lead Agency (assuming no other involved agencies exist).
2. DEC file records indicate there had been some dispute regarding the actual legal location of the property being within the Town of Newburgh. Please provide any information you may have regarding this issue. By copy of this letter to both Towns, I am requesting any comments either Town may wish to offer regarding SEQR Lead Agency or Town boundary changes in the vicinity of your property.
3. Staff technical review of your most recent plans indicates a number of details and clarifications are needed. Rather than list these items now, the Department believes a meeting to review plans with you and your consultant would be beneficial. Please call me at (914) 256-3014 to schedule this meeting.

Leon Mehl
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If you have any questions, please do not hesitate to contact me.

Sincerely,



Alexander F. Ciesluk, Jr.
Deputy Regional Permit Administrator
Region 3

AFC/II

cc: R. Martin
T/Montgomery Planning Board
T/Montgomery Supervisor
T/Newburgh Supervisor
J. Raab, Vincent J. Doce Assoc.

Mehl.ltr